

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CAMARA SMITH, et al,

Plaintiffs,

v.

THE CHEESECAKE FACTORY  
RESTAURANTS, INC.,

Defendant.

Case No. 3:06-cv-00829

Judge Haynes

*ORDER  
The motion  
is GRANTED to  
appoint Mr. Vurch  
as arbitrator*

PLAINTIFFS' MOTION TO SELECT AND APPOINT REPLACEMENT ARBITRATOR  
FOR TENNESSEE CLAIMANTS

On February 28, 2011, the Court appointed Robert Murrian as arbitrator to arbitrate the claims of Claimants Camara Smith, Stephanie Coleman-Smith, and Antawylene Owens (collectively "TN Claimants") against Defendant. [Doc. 128] Robert Murrian served as the arbitrator and conditionally certified a collective action of servers who worked in Davidson County, Tennessee. Unfortunately, Robert Murrian is unable to continue as arbitrator in this matter and notified the parties that he must resign as arbitrator for personal reasons.<sup>1</sup> The parties have been unable to agree to a replacement arbitrator.

The parties, therefore, began anew the procedure for selecting an arbitrator as set forth in the Court's Order dated November 16, 2010 [Doc. 125] and the Memorandum Opinion supporting the Order [Doc. 124], which is:

1. For each Claimant, each party is to propose a list of three potential arbitrators, whose only qualification is to be an attorney licensed in the State of Tennessee, for the other party to consider;

<sup>1</sup> The reason for his resignation has nothing to do with the parties or the arbitration.